

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

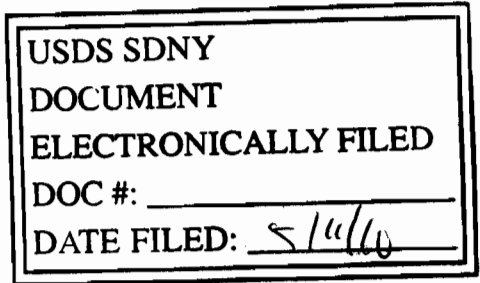
MARC BONNANT,

Plaintiff,

-v-

MERRILL LYNCH, PIERCE, FENNER & SMITH,
INC. and MERRILL LYNCH CAPITAL
SERVICES, INC.,

Defendants.



No. 09 Civ. 3007 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

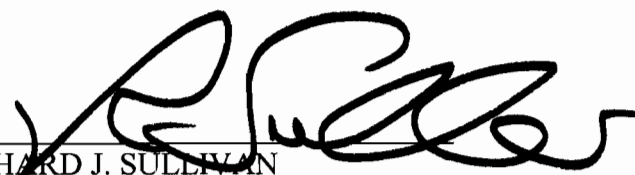
The Court held argument on Defendants' motions for summary judgment and to compel arbitration on May 11, 2010. For the reasons stated on the record at the argument and for the reasons set forth in the Court's June 25, 2009 Memorandum and Order, the Court finds that (1) the ICMA form unambiguously evidences the intent of both Merrill Lynch, Pierce, Fenner & Smith, Inc. and Plaintiff to arbitrate issues arising from the agreement, and (2) Plaintiff is bound to arbitrate the claims of Merrill Lynch Capital Services, Inc. pursuant to the arbitration-by-estoppel doctrine, *see JLM Indus., Inc. v. Stolt-Nielsen SA*, 387 F.3d 163, 177 (2d Cir. 2004). Accordingly, Defendants' motions are GRANTED in their entirety.

IT IS HEREBY ORDERED THAT Plaintiff is compelled to arbitrate the claims brought against him by Merrill Lynch, Pierce, Fenner & Smith, Inc. and Merrill Lynch Capital Services, Inc., pursuant to 9 U.S.C. § 4.

The Clerk of the Court is respectfully directed to enter judgment in favor of Defendants and to close this case.

SO ORDERED.

Dated: May 11, 2010
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE